

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CUMIS INSURANCE SOCIETY,)
)
APPELLANT/PLAINTIFF,)
)
v.) CIVIL ACTION NO. 2:07-cv-582 MEF
)
DENNIS MONTGOMERY,)
)
APPELLEE/DEFENDANT.)

ORDER

This cause is before the Court on the Appellant/Plaintiff's Motion to Dismiss Appeal (Doc. # 4), filed September 26, 2007. On June 25, 2007, Appellant filed a Notice of Appeal from a judgment, order, or decree of the United States Bankruptcy Court for the Middle District of Alabama. Appellant's deadline for filing the Appellant Brief was July 12, 2007, but this brief was never filed. On August 22, 2007, this Court entered an Order to show cause why the appeal should not be dismissed for want of prosecution. On August 28, 2007, Appellant filed a brief opposing dismissal for want of prosecution. On September 26, 2007, Appellant filed this motion to dismiss the appeal. Appellant's Motion to Dismiss Appeal (Doc. # 4) is GRANTED and the appeal is DISMISSED. The Clerk is DIRECTED to close this file.

DONE this 28th day of September, 2007

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE